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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,443	10/12/2001	Ronald E. Sloan	60021.376002	2727

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EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,443

Applicant(s)

SLOAN ET AL.

Examiner

Jeffrey Pwu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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DETAILED ACTION

1. This action is responsive to the application, filed 2003-08-01.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Regarding claims 1, 9, and 17, the phrase "may" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "may"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).
4. Dependent claims are rejected for incorporating the defects from the parent claim by dependency.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable by *Jones* et al. (US 6,021,397) in view of *Wren* (US 6,055,514)

Jones et al. teach:

- ➡ A method for providing automatic coaching for a financial modeling and counseling system over the Internet, comprising:
 - ➡ input personal financial data from a user over a network including the Internet (user; 105, 110, 117; col.7, lines 50-60);
 - ➡ input external financial market data over the network including the Internet (100, 115, 125; col.7, lines 50-60);
 - ➡ process said personal financial data and said external financial market data (202; flow chart, method steps of fig.3);
 - ➡ output at least one of coaching advice, product configuration, and assessment of an effect on a personal financial plan over the network including the Internet (col.4, line 63-col.8, line 50).
 - ➡ wherein a part of said personal financial plan is user's investment portfolio (340);
 - ➡ wherein said personal financial data includes at least one of data from a user's aggregated cash flow model, user's investment target value, and a user's target date for achieving his/her financial goals (col.7, line 63-col.8, line 50; 340; col.12, line 55-col.13, line 8; step 610 of fig.6);

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➡ wherein said external financial market data includes value of various market benchmark indices, performance history of various securities, and price of various securities col.7, line 63-col.12, lin 55-col.13; figs. 6-8)

➡ providing the users with automated coaching for a computer generated portfolio based on a preferred user financial asset mix (col.17, lines 15-col.18, line 49);

➡ a database for receiving personal user financial data connected to a network including the Internet ;(user; 105, 110, 117; col.7, lines 50-60);

➡ a database for receiving external financial data connected to the network including the Internet;

➡ a processing unit for processing said personal financial data and said external financial market data connected to the network including the Internet; and

➡ a user interface connected to the network including the Internet for outputting at least one of coaching advice, product configuration, and assessment of an effect on a personal financial plan.

Jones et al. fails to show a live coach.

Wren discloses a live advisor provided by a live representative to assist and educate the customer on the financial goods and services he/she is about to consider.

(See col.9, line 2-col.17, line 29)

It would have been obvious to one having ordinary skill in the art at the time of the invention for **Jones'** financial advisory system to use a live advisor, as taught by

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Wren, to provide a better customer service to include a live assistance to educate the investors with information on financial goods and services.

Response to Arguments

7. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

☞ Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey Pwu whose telephone number is (703) 308-7835



14 December 2003

JEFFREY PWU
PRIMARY EXAMINER